ITS AMERICA

September 5, 2024

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Wireless Telecommunications Bureau and Office of Engineering and Technology Seek Comment on NextNav Petition for Rulemaking; WT Docket No. 24-240

The Intelligent Transportation Society of America (ITS America) is grateful for the opportunity to provide comments to the Federal Communications Commission (Commission) regarding the petition for rulemaking (petition) filed by NextNav Inc. (NextNav) requesting that the Commission initiate a rulemaking proceeding to reconfigure the 902-928 MHz band (900 MHz Band). Based on the current utilization of the 900 MHz band and the specifics of the reconfiguration that NextNav is requesting, ITS America urges that the FCC dismiss the petition without further action.

ITS America was founded in 1991 as an advisory council to USDOT on technology innovation and emerging transportation technologies. ITS America is the only organization in the country that represents all sectors – public, private, academic, and nonprofit – to advance transportation technology. Our membership includes state and city departments of transportation, transit agencies, metropolitan planning organizations, automotive manufacturers, technology companies, engineering firms, automotive suppliers, insurance companies, and research and academic universities. Our vision is one of a better future transformed by transportation technology and innovation and our work accelerates the deployment of technology that saves lives, promotes sustainability, and advances more equitable transportation. ITS America (then IVHS America) participated before the Commission in the proceeding (Docket 93-61) that promulgated the rules and band segmentation governing 902-928 MHz operations that NextNav now seeks to rewrite.

As transportation technologies continue to strengthen the connectivity between vehicles, infrastructure, and other road users, spectrum availability has become an increasingly important component of the transportation sector's ability to utilize and deploy technology solutions to improve safety, mobility, and resiliency outcomes for the traveling public. The 900 MHz band is a strong example of this relationship between spectrum-based transportation solutions and improved transportation operations. The 900 MHz band segments allocated for non-multilateration LMS operations are the foundation for numerous important transportation purposes, including weigh station bypass programs, railroad safety coordination, toll tag (e.g., EZ Pass) and transponder use, real-time bus and train tracking by transit agencies, trucking and fleet tracking and management, border safety inspection facilities, and other vehicle diagnostic purposes. These are not theoretical capabilities - incumbents are already using this spectrum to remove unnecessary delays in our supply chain by keeping commercial vehicles moving safely and efficiently on American roads, just as they are using this spectrum to improve rail safety outcomes by enhancing communications options between trains and control centers. These are exactly the sort of capabilities that the Commission was seeking to enable when the rules for the 900 MHz band were established – operations which would “improve the efficiency and safety of our nation’s highways, reduce harmful automobile emissions, promote more efficient energy use, and increase national productivity.” In no manner can these operations be viewed as underutilizing the spectrum that NextNav seeks to disturb.

The above examples only represent the transportation use cases currently deployed in the 900 MHz band. Additionally, the band supports numerous retail and logistics capabilities, including smart metering for utilities, soil monitoring systems for agricultural uses, wireless patient monitoring and medical device management in healthcare, environmental monitoring, home security and smart device connectivity, and national security uses. These represent a high-level, limited summary of the functionality for millions of devices that are enabled by the current 900 MHz band plan. While the transportation uses alone should be enough to refute NextNav’s admonition that the 900 MHz band remains “underutilized,” the full range of ways in which the spectrum is already demonstrably being used only further undermines NextNav’s foundational reasoning behind this petition. Instead of being underutilized, the 900 MHz band represents a noteworthy victory in spectrum planning – the Commission has successfully created a spectrum environment in this band which has allowed so many worthwhile and disparate use cases to flourish, to the benefit of both the traveling public and consumers writ large.

Given the significant use that the 900 MHz band already enables, any petition for reconfiguration of this spectrum would need to thoughtfully address how such reconfiguration could be accomplished while protecting the millions of devices that will be displaced and required to operate under the newly-proposed band plan. Here, again, the NextNav petition falls short. While the petition claims it will protect unlicensed uses in the band, it does not adequately address how this will be achieved. The petition admits that the necessary technical analysis has not yet been conducted to determine whether protecting these uses is even possible. Despite assurances that NextNav will work with incumbent unlicensed and other uses, NextNav's petition also seeks to remove the current requirement that it not cause unacceptable levels of interference to unlicensed devices. This is an admission that interference is likely, which would negatively impact millions of devices that Americans rely on daily. It is difficult to articulate the massive disruption to states, cities, municipalities, and end users that would result from the need to “reband” current electronic tolling and these other operations. In addition, the costs to such an effort likely would be in the billions of dollars. Although NextNav suggests that it might bear the costs of rebanding it is nowhere provided any assurance or indication of its financial ability to do so let alone any credible attempt to estimate such costs.

ITS America believes that each of these aspects are core issues with NextNav’s petition. While additional redundancy for our nation’s GPS system may be beneficial, we cannot support moving forward with a blind reconfiguration proposal that fails to seriously address the interference and disruption concerns that such spectrum changes would create. The Commission should instead continue to foster the diverse and widespread use cases successfully enabled by the 900 MHz band, including numerous use cases critical to the transportation sector. If you have any questions, please contact ITS America's Senior Director of Policy and Advocacy, Bobby McCurdy, at bmccurdy@itsa.org.

Sincerely,

Laura Chace
President and CEO
Intelligent Transportation Society of America